

**IN THE UNITED STATES PATENT AND TRADEMARK
OFFICE
REQUEST FOR FILING
(RULE 53(b)(1))**

16670 U.S. PTO
07/01/03

For Design or Utility Applications

(DO NOT USE FOR CIPs)

Rule 53(b)(1) PATENT APPLICATION:

Continuation)
) application under 37 CFR 1.53(b)(1)
 Divisional)
application under 37 CFR 1.53(b)(1)
of pending prior application of

Group Art Unit: Not yet assigned

Examiner: Not yet assigned

Inventor(s): **K. OSAKABE**

Parent Appln. No.:	<u>Unassigned</u>	Atty. Dkt. <u>P 304062</u>	H7250US
Series Code ↑	Serial No. ↑	New M#	Client Ref

Parent Filed: October 4, 1999

This Appln. Filed: July 1, 2003

16670 U.S. PTO
07/01/03

Title: **RECORDABLE OPTICAL DISK AND OPTICAL DISK RECORDING DEVICE**

Mail Stop Patent Application
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Date: July 1, 2003
(Parent Matter No. 245618)

Sir:

To effect the above-requested filing today:

1. **Attached** is a copy (**which must be filed**) of the prior application, including:

- Abstract
- Specification and claims (26 pages) (**must be attached**)
- Drawings (**must be attached if originally filed**): 4 sheet(s)/set: 1 set informal (as originally filed);
 Formal of size (by A4 11"
Preliminary Amendment)

1A. Always X one box, only:

(1) Copy of Signed declaration or oath as originally filed in prior application attached
(2) NO declaration or fee is enclosed; therefore, this is a filing under Rule 53(f).

2. This application is hereby filed by less than all of the inventors named in the prior application. Petition is hereby made requesting deletion as inventor(s) of the following who is/are not inventor(s) of the invention being claimed in this application (**DELETE THE FOLLOWING INVENTOR(S):**)

1. _____	2. _____
3. _____	4. _____
5. _____	6. _____
7. _____	8. _____

2.5 **THE INVENTOR(S) FOR THIS NEW APPLICATION IS(ARE):**

1. **KATSUICHI OSAKABE** 2.

3. The entire disclosure of the prior application is considered as being part of the disclosure of the accompanying application and is hereby incorporated therein by reference thereto.

4. Priority is claimed under 35 U.S.C. 119/365 based on filing in Japan _____ of
(country)

<u>Application No.</u>	<u>Filing Date</u>	<u>Application No.</u>	<u>Filing Date</u>
(1) <u>296230/1998</u>	<u>10/05/98</u>	(2) _____	_____
(3) _____	_____	(4) _____	_____
(5) _____	_____	(6) _____	_____

a. _____ (No.) Certified copy/copies attached.

b. Certified copy/copies previously filed on October 26, 1999 in
U.S. Application No. 09 / 412,736, filed on October 4, 1999.

series code ↑ ↑ serial no.

c. Certified copy/copies filed during International stage of PCT/ _____ /

4. (a) Domestic priority is claimed from PCT/ _____ /, filed _____
(b) Benefit is claimed of Provisional Application No. 60/_____, filed _____

5. Prior application is assigned to Yamaha Corporation, 10-1 Nakazawa-cho, Hamamatsu-shi,
Shizuoka-ken, Japan

by assignment recorded October 4, 1999 Reel 010301 Frame 0911-12

6. Attached is the following number of Assignments (including original and all later successive ones by
different assignors): _____ and respective new Cover Sheets. (Do NOT file old cover sheets.)

(Assignments in parent must be refiled with new Cover Sheets in this continuing application if you
want it/them recorded against the continuing application.)

Please return the recorded Assignment to the undersigned.

7. The power of attorney in the prior application is to Pillsbury Madison & Sutro LLP (now Pillsbury
Winthrop LLP)

(Name and Reg. No.)
whose current address is as in item 8 below.

a. Recognize as associate attorney _____

(Name, Reg. No. and Address)

8. **Address all future communications to Intellectual Property Group of
Pillsbury Winthrop LLP, 725 South Figueroa Street, Suite 2800, Los Angeles, CA 90017-5406.**

9. This application claims benefit of the following prior US application(s), the contents of which are incorporated into this application by this reference:

No. / filed _____

No. / filed _____

No. PCT/ / filed _____, which

designated the U.S. and that International Application was was not published under PCT Article 21(2) in English

9(a). See the attached Preliminary Amendment, which amends the first page of the specification to claim benefit of the above listed US application(s)

10. **Small Entity Status** is Not claimed is claimed (pre-filing confirmation required):

(No.) Small Entity Statement(s) (not essential since 9/8/00) were/are:

filed in above prior application

attached.

11. Petition to extend the life of the above prior application to at least the date hereof
(one box) is being concurrently filed in that prior application (Use Form PAT-111).
(must be) was previously filed in that prior application (Check length of prior extension).
(X'd) is not necessary for copendency (Double check before X'ing this box).

12. **INFORMATION DISCLOSURE STATEMENT:** Attached is Form PTO-1449 listing all of the documents cited by Applicant and the PTO in the parent application(s) relied upon under 35 USC 120 and referenced in item 9 above. Per Rule 98(d) copies of those documents are not required now. Please consider those documents and advise that they have been considered in this new application as by returning a copy of the enclosed Form PTO-1449 with the Examiner's initials in the left column per MPEP 609.

13. Attached is a Rule 103(a) Petition to Suspend Action.

14. **Please see** the attached Preliminary Amendment which reduces the number of claims for purposes of reducing the initial filing fee.

FILING FEE

THE FOLLOWING FILING FEE IS BASED ON

->->->CLAIMS AS FILED AND CHANGED BY PRELIMINARY AMENDMENT IN ITEM 14<-<-<-

NOTE: If box 1A2 is X'd, do not pay fees,
but leave lines 15-22 and 27-32 blank.

PTO: PLEASE NOTE CLAIM CANCELLATIONS IF BOX 14 ABOVE IS X'D.

			Large/Small Entity		Fee Code
15. Basic Filing Fee		Design Application	\$330/\$165		106/26
16. Basic Filing Fee		Utility Application	\$750/\$375	+750	101/201
17. Total Effective Claims	20	minus 20 =	0	x \$18/\$9	+0
18. Independent Claims	12	minus 3 =	9	x \$84/\$42	+756
19. If any proper multiple dependent claim (ignore improper) is present,			\$280/\$140	+0	104/204
20.			Subtotal =	\$1506	
21. If "petition" box 13 above is X'd, add petition fee.			\$130	+0	122
21A. If box 6 above is X'd, add Assignment recording fee			\$ 40	+0	581
22.			TOTAL FILING FEE =	\$1506	
					(carry forward to Item 31)

23. ATTACHED:

24. Preliminary Amendment attached (to be entered after assigning Appln. No.)

25. See **NONPUBLICATION REQUEST** under Rule 213(a) attached (Pat-258)

Our Deposit Account No. 16-1805

Our Order No.	51270	304062
	C#	M#

CHARGE STATEMENT: Upon the filing of a Declaration pursuant to Rule 60(b) or 60(d), the Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown above for which purpose a duplicate copy of this sheet is attached.

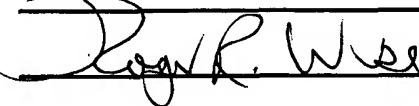
This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

Pillsbury Winthrop LLP
Intellectual Property Group

725 South Figueroa Street
Suite 2800
Los Angeles, CA 90017-5406
Tel: (213) 488-7100

By Atty: Roger R. Wise

Reg. No. 31204

Sig: 

Fax: (213) 629-1033
Tel: (213) 488-7584

RRW/SJB

NOTE No. 1: File this Request in duplicate with 2 postcard receipts (PAT-103) & attachments

NOTE No. 2: Is extension in parent necessary for copendency? DOUBLE CHECK Item 11 above.
If yes, printout Pat-111 and head it in parent.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

K. OSAKABE

Group Art Unit: Unknown

Appn. No.: Unassigned

Examiner: Unknown

Filed: July 1, 2003

Atty Dkt: 51270-304062
C# M#

Title: ***RECORDABLE OPTICAL DISK AND OPTICAL DISK
RECORDING DEVICE***

CERTIFICATE OF MAILING VIA U.S. EXPRESS MAIL

Express Mail Label No. EV 235021845 US

Date of Deposit: July 1, 2003

Mail-Stop PATENT APPLICATION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I hereby certify that the following documents:

- Request for Filing Continuation Application under Rule 53(b)(1)
- Preliminary Amendment
- Patent application (26 pages of specification; 1 page abstract; 17 claims; 4 informal drawings as filed)
- Checks in the amount of \$750 and \$756 to cover the filing fees
- Declaration and Power of Attorney
- Information Disclosure Statement and Form-1449, plus 2 references
- 4 sheets of formal drawings
- Return postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 CFR 1.10 on the date indicated above and are addressed to: Mail-Stop PATENT APPLICATION, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Dated: July 1, 2003


Sherry J. Batalla